

## PRISON REFORM

Narrative of the Street Combat in Front of Saloon.

### OSBORNE AND HUGHES KILLED.

Details of the Fight and the Death Struggle in the Hat Store—The Attempt of the Columbus Newspapers to Raise a Mob—Millionaire Mithoff and Ex-Chief Connolly's Efforts to Inhibit Direction—Arrest and Indictments for Murder.

#### Sixteenth Paper

(The writer of the following was sentenced to life imprisonment in the Ohio Penitentiary for fighting a wild duel with the defendant of his family was killed. Pardoned after eight years imprisonment, he proposes in the columns of the Globe to tell a plain, unbiased tale of life in a modern penitentiary.—Editor.)

#### PART II.

I raised my eyes and glanced in the direction of the voice. There stood Osborne, with his back to the open door of a saloon, and on either side of him I recognized several personal enemies, among whom were Frank Clarke, assistant prosecuting attorney of the police court, and Jack Terrier, a political rouser. Knowing these two individuals, I surmised their mission of witnesses to clear Osborne in the event that I was killed. I was then some 25 or 30 feet distant from him, and closely watched his movements. His right hand was in his overcoat pocket and his right arm kept working up and down like the piston of an engine. We looked each other in the eye, and as I advanced I kept the people coming towards me between Osborne and myself, taking the outside instead of the inside passage or lane between the surging masses of people, men, women and children, with which the sidewalk was packed. I knew Osborne was a dead shot, and my object was to prevent him dropping me until I got to close quarters. I had the reputation of shooting a silver dime from a split stick, stuck in the ground at 50 yards, with an ordinary revolver. I wore glasses and my sight for distance was poor, indeed, therefore if I would fight on anything like equal terms I must get within a few feet of my antagonist. I had an idea that close fighting would minimize the danger to innocent bystanders, the crowds of men, women and children referred to. Osborne tried evidently to get an opening in the crowd of sufficient length of time to fire and drop me, but I adroitly baffled his intention, and mutually glaring at each other, I advanced until I was almost abreast of him and but 5 or 6 feet apart. The pedestrians who separated us were now the only obstacle to the combat, and as the last one passed and left the 5 feet space clear between us, the muzzles of our revolvers met and there was a simultaneous explosion of both weapons. Osborne was a powerful athlete, standing over six feet in height and weighing considerably over 200 pounds, without an ounce of superfluous flesh. His age, I should judge, at the time, was in the neighborhood of 35 years. His bullet tipped my right ear and entered the leg of a physician standing on the platform of a passing street car. My bullet entered Osborne's chin, exactly square in the center, and passed out the back of his neck, flattening itself against the brick wall of the saloon. Osborne slightly reeled, but whatever his other faults, he was dead. I then raised my weapon and fired point-blank at his head, and as he zigzagged to the rear, seeking shelter, he again fired at my breast. His two bullets found victims in the crowd, wounding, though not at this time fatally, two men. One man in the breast and one in the arm. Meanwhile I emptied my revolver, firing as I advanced, or followed his retreating figure towards the wall or sign of the saloon. Every shot I fired, however, missed for an explainable cause, and the bullets struck the brick wall of the saloon, injuring or wounding nobody. My aim, if presenting a revolver in front of one's person at an antagonist a few feet distant, can be called an "aim," was each time disarranged, first by the zigzag retreat of Osborne, and secondly by the surging crowd which pressed me on all sides in their panic to get in rear of the shot—myself. The crowd finally got between me and Osborne, as our revolvers had ceased cracking, and the last I saw of him through the temporary opening in the crowds, he was standing with his back to the wall of the restaurant adjoining the saloon, revolver in hand, and apparently unharmed. At least he manifested no signs of weakness, and, as will be evidenced further along, did not, in fact, experience any, notwithstanding the extraordinary character of his wound.

I have stated that my brother left me at my request and mixed with the crowd. This was, it appears, only pretense on his part. He had followed in a parallel course through the crowd and witnessed the fight. When the crowd separated Osborne and myself I made frantic efforts to break through it to get at Osborne, and called loudly or hysterically on him to "fight out." I attempted to shoot him through the crowd, but could not fire for fear of injuring somebody, and for a more potent reason which will presently appear. My brother, who must have heard my cries at the beginning of the fight, and hearing or seeing me no longer, being separated from him by a dense mass of excited people, he crossed or attempted to cross the open space separating the north and south crowds of people. Now Osborne had the range of this open space, and as soon as my brother entered it to cross he rushed like a lion on him, firing as he advanced. This I witnessed, and although firmly held by a deputy marshal who plied his hands from behind, I dragged the officer to my knees, and in that position, the crowd opening again at the renewed firing, I advanced, pulling the officer after me. Meanwhile my brother, who proved himself the real hero of the combat, after having failed as policeman, turned towards the street pursued by Osborne, who was shooting to kill. Two of Osborne's bullets hit my brother, one in the arm and one in the center of the back. My brother, having reached the street encountered a stationary street car, and having drawn his revolver, Osborne, seeing the act, showed the white feather, and turning raced for shelter in the hat store. Here he attempted to reload his revolver, but my brother, supposing himself mortally wounded, entered the hat store, feeling a natural repugnance to dying on the street. As he entered, Osborne snatched a pistol from him. It is now a remarkable fact that this was the only bullet which missed fire. If it had not my brother's brains would have been scattered in the doorway. He clinched Osborne to prevent him firing again.

The two rolled on top of a counter; my brother under, Osborne on top. Then a death struggle commenced. Osborne was gradually beating my brother into insensibility with his right arm, striking him over the head with it, when, by a spasmodic move, my brother got his right arm free, and as he was raising it into position to guard his face or strike back, the revolver he had all this while unconsciously held in his hand exploded, and Osborne rolled over dead, shot through the heart.

Meanwhile, in my effort to advance, either Levering or one of more of Osborne's co-conspirators tried to drop me. Several shots were fired, and one especially, which was evidently fired at my brother as he crossed the sidewalk to the hat store, killed a personal friend of my family, who had that very morning chatted with them, sitting on the porch at my country residence. He was an old and esteemed citizen, wealthy and retired from business. His death was universally mourned and was a great shock to the community.

My rivals took advantage of public sentiment, and in their respective papers turned this public regret for the shocking death of Mr. Hughes, my friend, into currents of indignation against his slayer, and they unhesitatingly named me in person as the "assassin." This was as cowardly and lying as it was diabolical, inasmuch as I could not use a pistol at the time Mr. Hughes was killed, and was held firmly in the grasp of the officer whom I dragged on his knees to the very door of the hat store, while the death struggle of Osborne and my brother was taking place within.

And now I must go back to the morning of the afternoon when the shooting took place. The revolver, which I had purchased weeks previously, and before I anticipated any trouble with Osborne and Levering, I never tried until that morning. It was represented to me as a hammerless, quick-firing Smith & Wesson. I tried it therefore that morning, not in shooting at a mark but firing in the air as quickly as I could pull the trigger. In this manner I fired five loads, and reloading it I again fired two loads when my wife and family, being alarmed, rushed from the house screaming, thinking I was shooting at or was about to shoot somebody. To stop the excitement, I ceased firing and dropped the revolver in my pocket. At this very juncture my buggy was driven up by the man (Fleming) who worked on my place, and jumping in to save embarrassing explanations as to the shooting to my wife, I drove off to the city. It was not until my pistol snapped on the fourth shot, and when I had it against Osborne's breast that it flashed on me that there were but three loads in the weapon. I instantly dropped it in my pocket and drew a pistol which I had obtained that morning from the butler. This weapon was the colored clerk or porter who was in the gun store when I obtained it. He had forgotten to insert the pin, and consequently the cylinder wouldn't revolve. It was at this critical time that the crowd, realizing I could not shoot, pressed against, over and all round me, separating Osborne and myself.

When the bullets or shots were counted and their number ascertained it was found that there were thirteen shots fired.

Thus I fired.....3  
Osborne fired.....5  
My brother fired.....1  
Leaving four to be accounted for. The State accounted for them thus—  
Osborne fired.....5  
My brother fired.....1  
My brother fired.....12

Total.....19  
leaving still one unaccounted for. By the rulings of the partisan judge who tried the case subsequently, as will be detailed further along, he ruled out any evidence tending to show that other persons than Osborne, my brother and myself fired shots. This was to confirm in the public mind the fact that a shot from my revolver must have killed Mr. Hughes, as I had the only 38-calibre pistol in the melee, and it was a 38-calibre bullet which was found in the head of Mr. Hughes by the surgeons making an autopsy. Thus the proof was clearly established in the public mind by the State that I accidentally killed Mr. Hughes.

While on this part of the case, it is just as well to state that the defense established the fact that Osborne owned and habitually carried a 38-calibre revolver, English bull-dog pattern, and that on the very morning of the tragedy he purchased a new and improved American make of a 32-calibre pistol, giving the English bull-dog revolver and a new 38-calibre English bull-dog to either Levering, Meeker or a man named Wolfe, who were in the conspiracy either as the friends and advisers of Osborne and Levering or actual participants in the battle. In the matter of Meeker, his connection with the shooting was not even suspected at the time, but Wolfe was prominent enough in the affair to be even placed on the witness stand by the defense in the hope of dragging out of him some admission, but the dark-browed and evil-looking creature had been too well coached by the State, and as the law forbids the defense to impeach its own witness, we could not develop whether it was himself, Levering or Meeker who fired the unaccountable four or five shots. It is not believed that Meeker would risk his precious hide in the affair, and it is more likely that, having perfected the details of the intended assassination, he retired to some government office and waited for the outcome in safety. It is too characteristic of the fellow to doubt the correctness of this theory.

Coming back for a brief moment to the combat itself, and only remarking that the bullet found in the head of Mr. Hughes corresponded exactly in size, weight, etc., to an English bull-dog 38-calibre one, and did not, on the other hand, compare in either of these respects with the Smith & Wesson which I used, and the further fact that the State, when challenged to try me for the murder of Hughes, for which I was indicted, refused to do so, and was compelled by my attorneys to nolle the same, the then presiding judge according with the Ohio statutes that the State must try the indictment to a jury or nolle the same. The State accepted the latter alternative when my attorneys appeared in court and demanded trial. This is disposed of the very charge, which made the public opinion of Columbus so hostile that I could not and did not receive a fair and impartial trial, as under the condition of public sentiment manufactured by my rivals in the press, such a fair and impartial trial was utterly impossible. The combat, then, was won by Osborne, who killed Levering and Wolfe made good their escape from the scene and successfully denied being present, nor could anybody of the excited thousands be found

who remembered seeing either the one or the other at the fight. There were two men killed and four or five wounded, and another death the next day was ascribed to shock, the deceased being close to Mr. Hughes when he died. In all cases of the kind, there were hundreds of people ready to swear that they had the most hair-breadth escapes from death; there were other hundreds who detailed the events of the fight to the minutest particular, as if they were in the counting tower of a battleship and saw the panorama of a battle fought by Schley. In the hundreds on the sidewalk there was no man or woman who calmly observed the fight, as such a feat is as unnatural as it is absurd. Every man and woman sought safety the best they could, in the heat of their flight and bullets were flying thick enough to make even old soldiers dodge. Yet the State, on my trial, produced over one hundred witnesses who saw and described every detail of the battle from the point of view of the State, and the defense was not without friends, too, who described and saw the battle accurately as they saw it. In fact, we gave the State a Roland for every Oliver it produced, and the auditors who sat out the three months' trial predicted either an acquittal or a disagreement of the jury, such was the contradictory nature of the evidence and the equally robust character for the State and the defense. But we are anticipating. The arrest of myself and brother immediately followed the combat, and we were held, of course, without bail. The most incendiary articles appeared in the Columbus newspapers, notably the railroad organ of J. D. Ellison, of the Pennsylvania Railroad, known as the State Journal. These articles were intended and designed to raise a mob to lynch my brother and myself. A disreputable family of millionaires named Mithoff, whose immorality we had exposed, hired an ex-convict named J. B. K. Connolly, a blackmailer and a scoundrel, running a Sunday newspaper, to raise a mob. This fellow Connolly could not write a sentence in the English language, but had been put in possession of a rival Sunday newspaper, called the Sunday News, by the Consolidated Street Railway, to offset the attacks of my paper. He exposed the crookedness and perjury of the company and won a strike for its men. Connolly was an ex-convict from Cleveland, or rather Painesville, Ohio. He had been several times arrested for criminal offenses, and Ralph Paige, the Painesville banker, had saved him a number of times. He was finally convicted and given a term for false pretenses in the C. & C. jail. I published his full record in my paper and made him hunt his hole. This fellow was a proper tool to hire to rouse the criminals of the city, and Millionaire Mithoff spent money freely to do so. In the stationhouse my brother and myself were kept fully posted on what was going on by the chief of police. He had prepared to give the mob a welcome with bloody hands to hospitable graves, but the mob never materialized despite the efforts of the Journal, Dispatch and a blackmailing afternoon sheet, which were all doing their best to stir up a riot. A special Grand Jury was immediately impaneled, and with a speed that would gladden the heart of New Jersey justice, my brother and myself were indicted on two counts for murder in the first degree—the one for the killing of Osborne and the other for the manslaughter of old man Hughes. We were denied bail notwithstanding the fact that friends came forward with offers to pay in the sum of one million dollars.

(To be continued.)

A Simple-Hearted Baron.

Perhaps the most typical Rothschild of all his distinguished race was the late Baron "Willy" von Rothschild, who died recently at Frankfurt-on-Main. He was noted for the simplicity of his life and his extraordinary devotion to work. When his brother, Baron Meyer Carl, died in 1886, Baron "Willy" became sole head in Frankfurt and attended to every detail, great and small, of his banking business. He signed every check and document and opened all correspondence. Power of procurement was given in the firm only a few years ago to facilitate the upstart of business, and even then was made use of only during the baron's rare absence from Frankfurt.

Many stories are told of the baron's orthodoxy in religious matters. The business was always closed on Saturday, no matter what sacrifices it might entail. On Sabbath and holy days the baron always walked, riding being forbidden on these days to the strict Jew. More striking still was his adherence to the Jewish precept to give literally a tenth of one's earnings to the poor, so that the disposition of his bounty gave him much hard work. A great deal of his charity was anonymous. Baron von Rothschild was at work on the evening before the day of his death, giving out the usual reports of business and distribution of charities. The funeral a few days later was characterized by absolute absence of display, and even the simplest flowers. Yet crowds of people, from personal friends to the poor he had helped, gathered to come to witness the passing of the cortege.

Carolina Brights are absolutely pure.

De Quincey's Great Fault.

One of De Quincey's great faults was his inability to adapt his conversation to the intelligence of his hearer. He would address a servant-maid or porter in the most extravagant diction. While stopping at Professor Wilson's, he once gave the cook some directions as to the way in which he wished his meat cut, with the grain of fibre, instead of across it, and he delivered himself as follows: "Owing to dyspepsia affecting my system, and the possibility of any additional derangement of the stomach taking place, consequences incalculably distressing would arise—so much so indeed as to increase nervous irritation and prevent me from attending to matters of overwhelming importance—if you do not remember to cut the meat in a diagonal rather than a longitudinal form." The humble Scotchwoman, in telling her mistress of it, exclaimed: "Mr. De Quincey would mak' a gran' preacher, though I'm thinking a handle o' the folk wouldna ken what he was driving at!"

The justly-celebrated Lessing was frequently very absent-minded. Having missed money at different times without being able to discover who had taken it, he determined to test the honesty of his servant to a trial, and left a handful of gold on his table. "Of course you counted it?" queried one of his friends. "Counted it!" repeated Lessing, rather embarrassed. "Well, no, I forgot that."

When do you expect to try Carolina Brights?

You haven't tried Carolina Brights!

## KNOCKED OUT

Is Third Assistant Postmaster-General Madden.

### BY THE FAKE PUBLISHERS.

How an Innocent Rider to the Appropriation Bill Ties His Hands While the Lurid Patent Medicine Boost Passes Under His Indignant Nostrils as Second-Class Matter.

It takes an Ohio man to drive a coach and four through an act of Congress and successfully defy evasive legislation, but it takes a Chauncey Depeu to put an innocent rider on an impending bill, and when it is incorporated in the bill makes the original intention of the law nugatory. We have, of course, a case in point to illustrate the text. Third Assistant Postmaster-General Madden being an interested party, he will please give us his undivided attention for a few moments.

Mr. Madden may be said to be the originator of the war on the second-class matter frauds. For this The Globe has commended him and he still has its sympathies. Mr. Madden underestimated the ingenuity of the men using the mails to boost fake medicines and other enterprises. He attempted to curb their enterprise, and finally sought remedial legislation through Congress. He got it, but he thought he did, but some developments which have come to our knowledge the past week admonish us that Mr. Madden is up a tree. The patent medicine and other fakirs have done the tricking.

A gentleman out in Ohio discovered that the appropriation bill for the Postmaster-General's Department was the proper place to work in a harmless little rider, worded so as not to alarm Mr. Madden and his effective ally, the second-class matter law, the law exclusively drafted by Mr. Madden of their patent medicine pamphlets and other fake enterprises. The rider was offered, it is alleged, by Senator Depeu—we are compelled to use the word "alleged," for it is not clear to our mind that Mr. Depeu is its author. However, even if he was as astute as he is he could not possibly scent any harm in it. The rider, in substance, prevents arbitrary action by postmasters in excluding second-class matter. It specifically provides that objectionable matter shall be investigated before it is excluded from the mails. This effectively takes away the authority of the several postmasters, and, indeed, of Mr. Madden himself, for the law does not state who shall do the investigating, except inferentially, that is, it being under the Postmaster-General, it is supposed that official or designated shall perform the duty or designate the official who shall do so. Therefore, the local postmasters in the several cities, towns and hamlets are estopped from excluding from the mails, as second-class matter, the aforesaid pamphlets, publications, medical boosts, etc., which the law was designed to cover, and the mailing of these objectionable second-class productions is as lively as among those on the inside of that innocent little rider, first discovered by the Ohio man referred to. There is no postmaster, under its provision—or an investigation—qualified or empowered to exclude such productions, heretofore admitted as second-class matter, and which Mr. Madden thought his law had excluded. Every postmaster must accept the same and forward it, as under the rider, his lips dixit don't go—it must be investigated, but by whom? Certainly not by the local postmasters, for the law does not say so. It leaves that important designation blank except, as stated, inferentially. Now, it is a risky business to stop mail matter in transit under a suspicion that it comes under the prohibition clause or provisions of the law for second-class matter. And there you are. The postmaster can not determine without investigation, and he is not the person authorized to make it. The Third Assistant Postmaster-General must investigate the matter if he attempts to stop the objectionable matter in transit and an investigation does not mean, according to the rider, Mr. Madden's opinion. Anyhow, Mr. Madden himself is not empowered or designated to make the investigation, but even if he was and is, the owner of the prohibited matter must be heard in that investigation, and, as usual, such persons will put up a stiff fight, after the manner of this innocent rider of Chauncey Depeu—if indeed it is his—has practically knocked galley west all of Mr. Madden's efforts to exclude objectionable publications from the mails and relieve them of the outrageous burden to which they have been subjected. Mr. Madden is in a position to realize the force of the Burns couplet, "The best laid plans of mice and men gang aft agley," for by this rider all his planning and efforts have, as stated, been made nugatory and ineffectual.

The Globe regrets this, as the move was in the right direction, and it hopes that when Congress convenes Mr. Madden will so arrange matters that he will not have the fear before his eyes of the appropriation being hung up by anybody who feels himself aggrieved by the exclusion of his fake publication, or lottery scheme, from the second-class mails. As it is at present, the postoffice officials are afraid, and dare not tackle the biggest and wealthiest offenders in this respect, because, so sure as they do, they will find themselves in litigation with the excluded parties, and this litigation will necessarily involve the right of expense of the appropriation for the Postmaster-General's Department by the officials of that Department. In other words, the fake publishers can tie the appropriation pending investigation of their publications, defense, appeal, etc. Evidently, Mr. Madden has been knocked out of the box, and he will have to perfect his pitching arm to reach the fake publishers. At present they have battered him to a standstill.

On one occasion during the Revolution, "Old Put" had received a lot of new recruits, and as he drew up his levies in rank before him, "Now, boys," says he, "don't want to retain any of you who wish to leave; therefore, if any of you are dissatisfied and wish to return home, they may signify the same by stepping six paces in front of the line. But," added the old war dog, "I'll shoot the first man that steps out."

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## DR. PELLETIER

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The Tania or Tape Worm, The Armed Tania or Soldier, The Unarmed Tania or Bacterioid, The Ascarides, Lombricoides, the Oxyures, etc., etc. 48 Different Worms in a Person.

The existing symptoms of the above trouble are perceptible in the following manner: Sickening pains in the intestines, resembling internal bites; pains in the stomach, headache, loss of memory, trouble with sight and hearing, itching of the nose, vomiting, convulsions, cramps in the stomach, etc., etc. Chlorosis, anemia, congestion of the various organs, palpitation of the heart, insomnia, exaggerated or failing appetite, inflammation of the mucous membrane of the stomach, salivation, dyspepsia, fetid breath and other troubles.

Women's troubles are caused in most cases by worms. I have a remedy strictly vegetable with which I guarantee to cure all cases of the tape worm, or any other kind of worm, in a very short space of time.

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Graduated in South America. My diplomas signed by the Governor of Mexico and U. S. Consul.

I have the recommendations of 20 Governments of Mexico, where I have cured thousands of soldiers where all others failed.

Certificates will be shown with pleasure to those wishing to see them. Several medals awarded me for wonderful cures.

I also have a letter from President Diaz, of Mexico, as to my cures. I can tell by the first sight of the eye of children or grown people whether they have worms.

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